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NASA Procedural Requirements

COMPLIANCE IS MANDATORY

NPR 3713.2

Effective Date: May
08, 2009

Expiration Date: May
08, 2014

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Subject: Alternative Dispute Resolution for Discrimination Complaints

Responsible Office: Office of Diversity & Equal Opportunity

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Preface

P.1 Purpose

This NASA Procedural Requirements (NPR) applies to Alternative Dispute Resolution (ADR) program activities in the Equal Employment Opportunity (EEO) context. The NPR establishes procedures and operating principles for Agency-wide EEO ADR activities. These procedures also are intended to ensure EEOC regulatory requirements and NASA policy directives are met and to provide for consistency across NASA Centers. These procedures are not intended to establish any rights to administrative or judicial review or to establish a remedy for any NASA employee, applicant for employment, or other person separate from existing rights under Federal laws and EEOC regulations.

P.2 Applicability

This NPR is applicable to NASA Headquarters and Centers, including Component Facilities.

P.3 Authority

- a. Administrative Dispute Resolution Act of 1996, as amended, 5 U.S.C. § 571 et seq.
- b. Federal Sector Equal Employment Opportunity, 29 C.F.R. Part 1614.
- c. NPD 3713.6P, Delegation of Authority to Act in Matters Pertaining to Discrimination Complaints Under 29 C.F.R. Part 1614.

d. NPD 2010.2C, Alternative Dispute Resolution (ADR).

P.4 Applicable Documents

- a. Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-16 et seq.
- b. Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 621 et seq.
- c. Rehabilitation Act of 1973, as amended, 29 U.S.C. § 791 et seq.
- d. Equal Pay Act of 1963, as amended, 29 U.S.C. § 206(d).
- e. Older Worker's Benefit Protection Act of 1990, 29 U.S.C. § 621.
- f. Civil Rights Act of 1991, 42 U.S.C. § 1981a.
- g. NPD 3713.8A, Provision of Reasonable Accommodation for Individuals with Disabilities.
- h. NPR 3713.1A, Reasonable Accommodations Procedures.
- i. U.S. Equal Employment Opportunity Commission (EEOC) Management Directive (MD) 110.
- j. EEOC MD 715.

P.5 Verification/Measurement

- a. Centers shall submit Center EEO ADR procedures along with any related informational materials to the Office of Diversity and Equal Opportunity (ODEO) for concurrence within 90 days of the effective date of this NPR (see also Sec. 1.4.2 below).
- b. Centers, in cooperation with ODEO, shall periodically evaluate the operations and success of their EEO ADR program and engage in periodic data-gathering and other evaluation activities, including submitting ADR activity information for annual reporting to the U.S. Equal Employment Opportunity Commission (EEOC).
- c. Centers shall distribute the "Evaluation Form" (see Appendix C, Form C.1) and the "Mediator's Evaluation Form" (see Appendix C, C.2) and collect these forms from each user of the mediation process who voluntarily chooses to complete these forms. If a mediation participant refuses to complete the evaluation, the Center should document the decision and reasons given, if any.
- d. Centers shall update the NASA Agency-wide complaints tracking system at the conclusion of each mediation. ODEO shall use this data to monitor trends and determine the extent to which EEO ADR assists in resolving disputes.

P.6 Cancellation

None.

/S/

Thomas Luedtke
Associate Administrator for
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